

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

APRIL 2, 2013

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, April 2, 2013, at 6:00 p.m. with the following in attendance: Council Member Markel Whittington, R. Fred Pitts, Jim Newell, Nettie Y. Davis, Jonny Davis, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council.

The invocation was led by President Pitts, followed by the Pledge of Allegiance led by Councilman Newell.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Pitts called the City Council meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilwoman N. Davis, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: Executive Session – Prospective Acquisition of Property

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following recognitions were made by Councilman J. Davis:

Councilman J. Davis introduced Carla Falkner to the Mayor and audience. Ms. Falkner is a history professor at Northeast Miss. Community College, Booneville, Mississippi. She had recently been honored in Jackson by the Mississippi Humanities Council by receiving the “State Humanities Educator’s Award”. Ms. Falkner has been involved with the council for twenty years and promoted humanities programming in

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and out of the classroom, and raised awareness in critical areas, from food-related issues to racial reconciliation. Councilman Davis stated he wanted to thank her for all she does for the community.

Councilman Davis, also, announced about the upcoming Azalea Festival held annually at Veterans' Park. The event will be held on Friday and Saturday, April 5 and 6, 2013, with many activities planned. He invited everyone to come out and enjoy this event which includes kite flying, car show, vendors of arts and crafts, games and rides for the children. This event is sponsored by the Presley Heights Neighborhood Association.

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF "BOYS & GIRLS CLUB WEEK"

Zell Long, Director of the Northern District of "Boys & Girls Clubs", accepted a proclamation from Mayor Reed in recognition of "Boys & Girls Club Week" on April 7 – 13, 2013. There are two Boys and Girls Club organizations in Tupelo in the Haven Acres and Northside Communities which provide services to more than 684 young people annually. These organizations help insure that our young people keep off the streets, offering them a safe and supportive place to go and providing them with quality programs.

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF "SAFE DIGGING MONTH"

Johnny Timmons, Manager of the Tupelo Water and Light Department, accepted a proclamation from Mayor Reed recognizing the month of April 2013 as "Safe Digging Month" in the city. Each year Mississippi's underground utility infrastructure is jeopardized by unintentional damage by those who fail to call to have underground lines located prior to digging. This action causes services to be interrupted, causes damage to the environment, and sometimes even personal injury or death occur. The national Call-Before-You-Dig number is 811 and provides excavators and homeowners a simple number to reach their local one-call center to request utility line locations at the intended dig site.

IN THE MATTER OF MAYOR'S REPORT

Mayor Reed began his report by stating that at the half-way point of the fiscal year, the city is in sound financial shape. All departments are operating within or below their budgets and employees are conducting themselves professionally. He thanked the citizens for the opportunity to serve the great City of Tupelo, Mississippi.

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(President Pitts then closed the regular meeting and opened the Public Agenda.)

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A CONSIDERATION OF DEMOLITION OF PROPERTIES

No one appeared to address any of the properties listed for demolition.

5.2 APPEALS

**5.2.A APPEAL OF PLANNING COMMITTEE
DECISION REGARDING VARIANCE FOR
CARLOCK TOYOTA SIGN**

Mr. Philip Waters, Director of Corporate Services for Carlock Toyota, appeared before the City Council requesting a reversal of the Planning Committee's decision regarding a variance request for the placement of a Carlock Toyota sign at that business. A lengthy discussion including a question and answer session between Mr. Waters and the City Council followed. The sign requested is more than double the size allowed by city ordinance. The council will take action later on in this meeting.

5.3 CITIZEN'S HEARING

**5.3.A COMMENTS BY LESLIE MART REGARDING
"DON'T BE CRUEL" BBQ EVENT**

Ms. Mart, on behalf of the Link Center, appeared before the Mayor and City Council to acknowledge contributions by the City of Tupelo, various City Departments, and city employees for their sponsorship, commitment and hard work to make the "Don't Be Cruel" BBQ contest such a success this year. Many volunteers contributed hours of work at this event, and Ms. Mart recognized several of them by presenting Certificates of Appreciation at this council meeting.

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(President Pitts then closed the Public Agenda and the City Council returned to regular session.)

6. ACTION AGENDA

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION APPROVING
INTERLOCAL COOPERATIVE AGREEMENT BETWEEN CITY OF TUPELO AND
TUPELO PUBLIC SCHOOL DISTRICT RELATING TO SAFE ROUTES TO SCHOOL
PROJECT – PHASE I, AND AUTHORIZING EXECUTION BY MAYOR**

Upon a motion by Councilwoman N. Davis and a second by Councilman Newell, the council voted unanimously to approve a Resolution Approving Interlocal Cooperative Agreement Between City of Tupelo, Mississippi and Tupelo Public School District Relating to Safe Routes to School Project – Phase I, and Authorizing Execution by Mayor.

The City of Tupelo is undertaking a Safe Routes to School Project involving the installation of sidewalks for use by students going to and from school. Phase I of this project involves construction in the vicinity of Tupelo Middle School and Pierce Street Elementary School on property owned by the School District. Therefore, the City of Tupelo and the Tupelo Public School District find it necessary to enter into an Interlocal Cooperative Agreement for joint and cooperative action relating to services and facilities related to the project.

The approval of this Resolution allows entry into an Interlocal Cooperative Agreement between the City of Tupelo, Mississippi, and the Tupelo Public School District as well as authorizing the Mayor of the City to execute the same. A copy of the executed Resolution together with an executed copy of the Interlocal Cooperative Agreement is attached to these minutes and incorporated herein as **APPENDIX A.**

7. ROUTINE AGENDA

**IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR COUNCIL
MEETING**

Upon a motion by Councilman J. Davis, seconded by Councilman Jennings, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, March 19, 2013.

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IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, Pitts and Jennings:

Check Nos. 109393 through 109754 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One
Plan as shown on the face of the docket.

**IN THE MATTER OF REVIEW/APPROVE APPOINTMENT TO AIRPORT
AUTHORITY BOARD**

Mr. Jim Frerer's term with the Tupelo Airport Authority Board expired in March 2013, and Mayor Reed has recommended Mr. David A. Parker to replace him. Mr. Parker's term will begin April 2013 for five years, ending April 2018. Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously to approve the appointment of Mr. Parker to serve on this Board. A copy of his bio is attached to these minutes as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE APPOINTMENT TO NORTHEAST MISS.
WATER DISTRICT BOARD**

Mr. Charles Duke's term with the Northeast Miss. Water District Board has expired, and Mayor Reed has recommended Mr. Bob Baughn to replace him on this Board. Mr. Baughn's term will begin April 2013, serving for five years and ending April 2018. Upon a motion by Councilwoman N. Davis, seconded by Councilman Bryan, the council voted unanimously to approve the appointment of Mr. Baughn to serve on this Board. A copy of his bio is attached hereto as **APPENDIX C.**

**IN THE MATTER OF REVIEW/APPROVE HOMELAND SECURITY GRANT FOR
TACTICAL MEDICAL TRAINING**

According to memorandum dated March 27, 2013, from Terri Blissard, Grant Administrator, to the Mayor and City Council, the city has received a newly-issued homeland security grant for the police department from the Department of Public Safety, Office of Homeland Security. The grant is for \$12,000 and requires no match. The police department plans to host a three-day tactical medical training class in May, and

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the grant funding is intended to pay for expenses related to that class, including training materials and manuals, trainer fee, and facility fees.

Upon a motion by Councilman Newell, seconded by Councilman Whittington, the council voted unanimously to approve the receipt of this grant in the amount of \$12,000 for the purpose described in preceding paragraph.

IN THE MATTER OF REVIEW/APPROVE LIST OF DEMOLITION OF PROPERTIES

A public hearing had been conducted earlier in this meeting with no one appearing to address any of the listed properties. Councilman Whittington moved to declare each property listed to be a menace to public safety and constituting a public hazard and nuisance and that the same should be demolished. The motion was seconded by Councilman Newell and approved unanimously by a vote of the City Council. A listing of the three properties is attached to these minutes and incorporated herein as **APPENDIX D.** This action authorizes the Development Services Department to move forward with demolition of the properties and cleaning of lots.

IN THE MATTER OF REVIEW/APPROVE/REJECT PLANNING COMMITTEE DECISION REGARDING CARLOCK TOYOTA REQUEST FOR SIGN VARIANCE

A lengthy discussion regarding the matter of the Planning Committee's decision to deny a request for a variance from Carlock Toyota to allow a sign that is taller and larger in area than allowed by code had been conducted earlier in this meeting. Carlock Toyota had appealed that decision of the Planning Committee to the City Council and the same had been heard under the Public Agenda. Mr. Philip Waters, Director of Corporate Services for Carlock Toyota, had addressed the Council in an effort to convince the members to deny the decision and allow the requested sign variance. The sign variance requested will be more than double the size allowed by current ordinance.

Councilman Newell moved to reject the Planning Committee's decision and allow the sign variance as requested; the motion was seconded by Councilman Whittington and passed by the following vote:

VOTING AYE:	Whittington, Newell, N. Davis, Jennings
VOTING NAY:	Pitts, J. Davis, Bryan

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As a matter of record, by letter dated April 5, 2013, Mayor Jack Reed vetoed the City Council's decision to reverse the Planning Commission's decision regarding this request for variance from Carlock Toyota. Note preceding minute entry for Council's action on this issue. A copy of Mayor Reed's veto message is attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO REDEVELOPMENT AGENCY MEETING

Upon a motion by Councilman Newell, seconded by Councilman J. Davis, the council voted unanimously to accept the minutes of the Tupelo Redevelopment Agency meeting of February 21, 2013. A copy of the same is attached to these minutes and incorporated herein as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE LEE COUNTY COMMUNICATIONS MEMORANDUM OF UNDERSTANDING FOR THE MUNICIPALITY OF TUPELO PUBLIC SAFETY AGENCY DISPATCH

This item was tabled at the February 19, 2013, council meeting and will remain on the table at this time.

IN THE MATTER OF REVIEW/APPROVE SURPLUS OF ROBOT AND REMOVE FROM INVENTORY

In February 2012, the City Council approved a Homeland Security grant which was to be used to upgrade to a newer model robot than the Andros F5 bomb disposal robot currently in use at that time. The intention was to trade in the Andros F5 bomb when the new one was purchased. However, when the new robot was purchased, the old Andros F5 was never declared surplus and remained in inventory even though it had been used as a trade-in on the new one. Chief Carlton had submitted a request to the Council to now declare the Andros F5 as surplus retroactively so that it can be removed from their inventory. Upon a motion by Councilman J. Davis, seconded by Councilman Whittington, the council voted unanimously to surplus the Andros F5 bomb disposal robot and remove it from inventory.

IN THE MATTER OF REVIEW/APPROVE AMENDED LOAN AGREEMENT RELATIVE TO MISSISSIPPI AIRPORT REVITALIZATION REVOLVING LOAN (AP-035)

Upon a motion by Councilman Whittington, seconded by Councilwoman N. Davis, the council voted unanimously to approve an Amendment to Loan Agreement

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dated as of July 1, 2012, Among the Mississippi Development Authority, Tupelo Airport Authority and City of Tupelo, Mississippi. This amendment changes the date of the first payment on the Mississippi Airport Revitalization Revolving Loan (AP-035) to May 1, 2014. This loan is in the amount of \$200,000 and will be used for the Renovation of the general aviation facility that Tupelo Aviation Unlimited occupies.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PARKS ADVISORY BOARD
AND SPORTS COUNCIL MEETING**

Upon a motion by Councilman Bryan and a second by Councilman Whittington, the council voted unanimously to accept the minutes of the Parks Advisory Board and Sports Council meeting of February 12, 2013. A copy is attached to these minutes and incorporated herein as **APPENDIX G.**

**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR SCOREBOARDS AT
TUPELO AQUATIC CENTER**

The City Council on March 5, 2013, had approved Colorado Time Systems as the sole source vendor for the scoreboards at the Tupelo Aquatic Center. Don Lewis, Director of Tupelo Department of Parks and Recreation, has submitted a price quote from that company for a total of \$238,500 including equipment, shipping and installation. The time system will be paid for by funds budgeted from the Tupelo Convention and Visitors Bureau.

Upon a motion by Councilwoman N. Davis and a second by Councilman J. Davis, the council voted as follows to award the bid to Colorado Time Systems in the total amount of \$238,500. A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX H:**

VOTING AYE: Whittington, Pitts, Newell, N. Davis, J. Davis, Jennings
VOTING NAY: Bryan

**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR PUBLIC WORKS
DEPARTMENT**

Upon a motion by Councilwoman N. Davis, seconded by Councilman Bryan, the council voted unanimously to award the following bid for the Tupelo Public Works Department as recommended by Sid Russell, Director:

Bid 1289PW Milling and Overlay
Recommendation: APAC – Mississippi, Inc.
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Amount: \$1,343,850.00 (Overall)

Two bidders responded to requests for bids with APAC Mississippi, Inc. submitting the lowest and best bid. A copy of the complete bid package is attached hereto and incorporated into these minutes as **APPENDIX I.**

IN THE MATTER OF REVIEW/AWARD/REJECT BIDS FOR TUPELO WATER AND LIGHT DEPARTMENT

Upon a motion by Councilman J. Davis, seconded by Councilman Jennings, the council voted unanimously to award the following bids for the Tupelo Water and Light Department as recommended by Manager Johnny Timmons:

Bid No. 1286WL Wooden Utility Poles (6 Month Supply Bid) to the low qualified bids as indicated on the attached bid tabulation

Bid No. 1287WL Fiber Project (6 Month Supply Bid) to the low qualified bids as indicated on the attached bid tabulation.

A copy of the complete bid package is attached to these minutes and incorporated herein as **APPENDIX J.**

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS MEMORANDUM OF UNDERSTANDING BETWEEN CITY OF TUPELO AND NORTH MISSISSIPPI MEDICAL CENTER, INC.

Upon a motion by Councilwoman N. Davis, seconded by Councilman Newell, the council voted unanimously to suspend the rules and take action on the issue at this time.

Councilman Bryan moved to approve a Memorandum of Understanding Between the City of Tupelo and North Mississippi Medical Center, Inc.; the motion was seconded by Councilman Newell and unanimously approved by a vote of the Council.

By execution of this document, the City of Tupelo accepts the commitment on behalf of the citizens of Tupelo from NMMC that it will continue to participate in the drug discount program established under Section 340B of the Public Health Services Act. In order for NMMC to participate, an agreement must be entered into with a unit of the local government committing to continue to provide health care services to low-income individuals who are neither entitled to benefits under Title XVIII of the Social Security

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Act nor eligible for assistance under the State plan of Title XIX under this Act. An executed copy of this MOU is attached to these minutes and incorporated herein as **APPENDIX K.**

9. EXECUTIVE SESSION

Upon a motion by Councilman Bryan, seconded by Councilwoman N. Davis, the Council voted unanimously to close the regular meeting to determine the need for an executive session. Upon a motion by Councilwoman N. Davis and a second by Councilman Bryan, the Council voted unanimously to go into executive session to discuss prospective acquisition of property. Upon a motion by Councilman Bryan, seconded by Councilman Newell, the Council voted unanimously to come out of executive session and return to the regular meeting.

IN THE MATTER OF EXECUTIVE SESSION DECISION

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted as follows to approve a Contract for Purchase and Sale of Real Property between Ben-Jacob Properties, LLC, and the City of Tupelo, Mississippi. The property being purchased by the City is located at 1105 West Jackson Street, Tupelo, Mississippi. An executed copy of the Contract is attached to these minutes as **APPENDIX L:**

VOTING AYE: Whittington, Pitts, N. Davis, J. Davis, Bryan, Jennings
VOTING NAY: Newell

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the Council, upon a motion by Councilwoman N. Davis, seconded by Councilman Whittington, the Council voted unanimously to adjourn the regular meeting at 7:25 p.m.

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR